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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,633	02/05/2002	Yusuf Ali	GOJO.01211	8088
29668	7590	12/14/2007		
Johnson & Johnson 201 TABOR ROAD MORRIS PLAINS, NJ 07950			EXAMINER HUANG, GIGI GEORGIANA	
			ART UNIT 1618	PAPER NUMBER
			MAIL DATE 12/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/068,633

Applicant(s)

ALI ET AL.

Examiner

GiGi Huang

Art Unit

1618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5,12 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,12 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Application

1. The amendment filed October 22, 2007 has been received, entered and carefully considered. The amendment affects the instant application accordingly:

(A) Claim 1 has been amended.

(B) Claims 8 and 9 are cancelled.

2. Claims 1, 3, 5, 12, and 25 are pending in the case.

3. Claims 1, 3, 5, 12, and 25 are present for examination.

4. The text of those sections of title 35.U.S. Code not included in this action can be found in the prior Office action.

Response to Arguments

5. Claims 8-9 are rejected under 112, 2nd paragraph for insufficient antecedent basis. Claims 8 and 19 have been cancelled, the rejection is withdrawn.

6. Claim 1 is objected to because of an inadvertent typographical error. The phrase "from 1 to carbon atoms" has been corrected to include the missing the numerical value "4" between "to" and "carbon atoms". The objection is withdrawn.

7. Claims 1, 3, 5, 9,12 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by, or alternatively, under U.S.C. 103(a) as being unpatentable over Samour et al. (US 5,976,566).

Claim 9 is cancelled, the rejection for claims 1, 3, 5, 12, and 25 stand.

Applicant's arguments see page 2 filed 10/22/2007 have been fully considered but they are not persuasive. Applicant's arguments that the carbomer in the

hydroalcoholic gel cannot be neutralized with the claimed agents (e.g. sodium hydroxide). This is not persuasive as the Applicant is claiming the components of a lower alcohol, a carbomer, and an agent that is either sodium hydroxide, potassium hydroxide, ammonium hydroxide, magnesium hydroxide, or precursors of. Thereby as long as the composition meets the limitations of the claim, the composition will inherently meet the properties of the composition.

It is noted that the sodium hydroxide is known for neutralizing polyacrylic acid (Carbopol 934- carbomer) as stated in Beck (U.S. Pat. No. 3293127, Col. 3, lines 60-63) and it is basic chemistry for bases (e.g. sodium hydroxide and other hydroxides) to neutralize acids (e.g. polyacrylic acid).

The art as drawn to a composition comprising the same components and others which do not materially affect the sanitizing ability of the composition still meet the limitations of the claims.

The rejection of claims 1, 3, 5, 12 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by, or alternatively, under U.S.C. 103(a) as being unpatentable over Samour et al. (US 5,976,566) is maintained.

8. Claims 1, 3, 5, 9, 12 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by, or alternatively, under U.S.C. 103(a) as being unpatentable over McKenzie et al (US 5747021).

Claim 9 is cancelled, the rejection for claims 1, 3, 5, 12, and 25 stand.

Applicant's arguments see page 2 filed 10/22/2007 have been fully considered but they are not persuasive. Applicant's arguments that the carbomer in the

hydroalcoholic gel cannot be neutralized with the claimed agents (e.g. sodium hydroxide). This is not persuasive as the Applicant is claiming the components of a lower alcohol, a carbomer, and an agent that is either sodium hydroxide, potassium hydroxide, ammonium hydroxide, magnesium hydroxide, or precursors of. Thereby as long as the composition meets the limitations of the claim, the composition will inherently meet the properties of the composition.

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The art as drawn to a composition comprising the same components and others which do not materially affect the sanitizing ability of the composition still meet the limitations of the claims.

The rejection of claims 1, 3, 5, 12 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by, or alternatively, under U.S.C. 103(a) as being unpatentable over McKenzie et al. (US 5747021) is maintained.

9. Claims 1, 3, 5, 9, 12 and 25 are rejected under 35 U.S.C, 102(b) as being anticipated by, or alternatively, under U.S.C. 103(a) as being unpatentable over Blackman et al.(US5013545) or (US5098717), individually.

Claim 9 is cancelled, the rejection for claims 1, 3, 5, 12, and 25 stand.

Applicant's arguments see page 2 filed 10/22/2007 have been fully considered but they are not persuasive. Applicant's arguments that the carbomer in the

hydroalcoholic gel cannot be neutralized with the claimed agents (e.g. sodium hydroxide). This is not persuasive as the Applicant is claiming the components of a lower alcohol, a carbomer, and an agent that is either sodium hydroxide, potassium hydroxide, ammonium hydroxide, magnesium hydroxide, or precursors of. Thereby as long as the composition meets the limitations of the claim, the composition will inherently meet the properties of the composition.

It is noted that the sodium hydroxide is known for neutralizing polyacrylic acid (Carbopol 934- carbomer) as stated in Beck (U.S. Pat. No. 3293127, Col. 3, lines 60-63) and it is basic chemistry for bases (e.g. sodium hydroxide and other *hydroxides*) to neutralize acids (e.g. polyacrylic *acid*).

The art as drawn to a composition comprising the same components and others which do not materially affect the sanitizing ability of the composition still meet the limitations of the claims.

The rejection of claims 1, 3, 5, 9, 12 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by, or alternatively, under U.S.C. 103(a) as being unpatentable over Blackman et al.(US5013545) or (US5098717), individually is maintained.

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Samour(US'566) ; McKenzie(US'021) ; Blackman et al(US5013545) or (US5098717), individually in view of BF Goodrich Tech.Disclosure("neutralizing carbopol...", 1998).

Claim 8 is cancelled, the rejection is moot.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GiGi Huang whose telephone number is (571) 272-9073. The examiner can normally be reached on Monday-Thursday 8:30AM-6:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hartley can be reached on 571-272-0616. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GH

Zohreh Fay (Primary Examiner)

A handwritten signature in black ink, appearing to read "Zohreh Fay", written in a cursive style.